

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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THE ESTATE OF KRISTINA ANN FIEBRINK,  
by Special Administrator Nathaniel Cade, Jr.;  
and ROBERT MARTINEZ, THE ESTATE OF  
ANGELICA FIEBRINK and JOSE MARTINEZ JR.,

Civil Action No. 2:18-cv-00832

Plaintiffs,

v.

ARMOR CORRECTION HEALTH SERVICE, INC.;  
VERONICA WALLACE, LPN; BRITENY R. KIRK,  
LPN; EVA CAGE, LPN; BRANDON DECKER  
APNP; MILWAUKEE COUNTY, a municipal  
corporation; LATISHA AIKENS; LATRAIL COLE;  
JOHN DOES 1-10; JOHN DOES 11-20 and  
WISCONSIN COUNTY MUTUAL INSURANCE  
COMPANY,

Defendants.

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**JOINT FINAL PRETRIAL REPORT**

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Plaintiffs, the Estate of Kristina Ann Fiebrink, by Special Administrator Nathaniel Cade, Jr., Robert Martinez, Jose Martinez Jr. and the Estate of Angelica Fiebrink ("Plaintiffs"), defendants Armor Correctional Health Service, Inc., Veronica Wallace, LPN, Britney R. Kirk, LPN, Eva Cage, LPN, Brandon Decker, APNP, Milwaukee County, Latisha Aikens, Latrail Cole, and Wisconsin County Mutual Insurance Company ("Defendants"), pursuant to this Court's Order dated October 5, 2018 (Dkt. 51) and Civil L.R. 16(c)(1), submit the following Joint Pretrial Report.

**I. SUMMARY OF THE FACTS, CLAIMS, AND DEFENSES.**

On August 24, 2016, Kristina Fiebrink ("Fiebrink") was brought to the Milwaukee County Justice Facility ("Jail"), where, during her intake health screening, she reported recent heroin use. Fiebrink died in her Jail cell and was found on the morning on August 28, 2016.

The Estate of Kristina Fiebrink, (the "Estate") and her children, Robert Martinez, the Estate of Angelica Fiebrink, and Jose Martinez Jr. bring claims against: (a) 2 Milwaukee County Correctional Officers (Latisha Aikens and Latrail Cole); (b) Milwaukee County; (c) 4 Armor Correctional Health Services employees/agents (Brandon Decker, Veronica Wallace, Britney R. Kirk and Eva Cage; and Armor Correctional Health Services, Inc., pursuant to 42 U.S.C. § 1983 and Wisconsin State Law. The Plaintiffs assert that the Defendants failed to provide medical care or access to medical care to Fiebrink in violation of her constitutional rights. Plaintiffs also claim Armor Correctional Health Services, Inc. and Milwaukee County maintained unconstitutional policies and practices and failed to properly train it employees. Plaintiffs also assert state law claims for negligence and wrongful death. Defendants deny liability on the above cited claims.

**II. STATEMENT OF THE ISSUES**

1. Did the Defendants violate Fiebrink's constitutional rights by failing to provide medical care?
2. Did the Defendants, Milwaukee County and Armor Correctional Health Services, Inc., violate Fiebrink's constitutional rights by maintaining unconstitutional customs or practice that harmed Fiebrink?

3. If the answer to Question 1 or 2 is yes, what amount of compensatory damages, is the Estate entitled to recover against the Defendants who violated Fiebrink's constitutional rights?
4. If the answer to Question 1 is yes, is the Estate entitled to an award of punitive damages against the Defendants who failed to provide Fiebrink medical care?
5. If the answer to Question 4 is yes, what amount of punitive damages is the Estate entitled to recover?
6. If the answer to question 1 or 2 is yes, what amounts is Robert Martinez entitled to for the loss of society and companionship of his mother?<sup>1</sup>
7. Were the Defendants negligent while exercising the duties they owed to Fiebrink? If the answer is yes, was such negligence a cause of injury or death?
8. If the answer to Question 7 is yes, what amount of compensatory damages, if any, is the Estate entitled to recover against the Defendants who were negligent?
9. If the answer to Question no 8 is yes, what amount of compensatory damages is Robert Martinez, the Estate of Angelica Fiebrink, and Jose Martinez entitled to for the loss of society and companionship of their mother.<sup>2</sup>

### **III. WITNESSES**

ALL PARTIES RESERVE THE RIGHT TO REVISIT, OBJECT AND SUPPLEMENT ANY WITNESS DESIGNATIONS OR EXHIBITS AFTER THE COURT'S DECISION ON DISPOSITIVE MOTION BUT BEFORE BEING ADMITTED INTO EVIDENCE.

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<sup>1</sup> The parties dispute whether Robert Martinez has a claim for loss of society and companionship pursuant to § 1983. (Dkt. 32; Dkt. 48)

<sup>2</sup> The parties reserve the right to revisit and reframe these issues based on future rulings from the Court.

SUBJECT TO THE COURT'S RULING ON MOTIONS *IN LIMINE*, PLAINTIFFS MAY CALL THE FOLLOWING WITNESSES AT TRIAL (ADDITIONALLY PLEASE SEE ATTACHED EX. A):

1. Brandon Decker, Defendant.
2. Britney Kirk, Defendant.
3. Eva Cage, Defendant.
4. Veronica Wallace, Defendant.
5. Kayla McCullough.
6. Kayla McCullough, as Rule 30(b)(6) representative of Armor Correction Health Services, Inc.
7. Dr. Thomas Gable.
8. Dr. Thomas Gable, as Rule 30(b)(g) representatives of Armor Correctional Health Services, Inc.
9. Dr. John May
10. Dr. Karen Ronquillo-Horton, M.D.
11. Mai Bruno, RN.
12. Brooke Shaikh
13. Phebe Williams
14. Correctional Officer Latoya Renfro
15. Correctional Officer Jennifer Matthews
16. Correctional Officer Brian Piasecki
17. Correctional Officer Latrail Cole, Defendant
18. Correctional Officer Latisha Aikens, Defendant

19. Richard Schmidt
20. Nancy Evans
21. Mai Bruno
22. Detective George Anagnostopoulos
23. Courtney Holifield
24. Dr. Ronald Shansky
25. Any and all witnesses named by other parties.
26. Any and all witnesses necessary for rebuttal.

SUBJECT TO THE COURT'S RULING ON MOTIONS *IN LIMINE*, DEFENDANTS MAY CALL THE FOLLOWING WITNESSES AT TRIAL (ADDITIONALLY PLEASE SEE ATTACHED **EX. A**):

1. Brandon Decker
2. Kayla McCullough
3. Brooke Shaikh
4. Dr. Thomas Gable
5. Rebecca Goss
6. Dr. John May
7. Dr. Karen Ronquillo-Horton
8. Courtney Holifield
9. Mai Bruno
10. Eva Cage
11. Britney Kirk
12. Veronica Wallace

13. Latrail Cole
14. Latisha Aikens
15. Brian Piasecki
16. Jeffrey Andrykowski
17. Officer Stokes
18. Latoya Renfro
19. Tasha Degley - inmate
20. Donna Vibbert - inmate
21. Myrtle Moss - inmate
22. Heather Clements - inmate
23. Detective George Anagnostopoulos
24. Attorney Joseph Thomas Domask
25. Records Custodian - Wheaton Franciscan Healthcare
26. Records Custodian - Milwaukee County – Lieutenant Brian Stadler
27. Any and all witnesses named by other parties
28. Any and all witnesses necessary for rebuttal

**IV. EXPERT WITNESSES.**

The plaintiffs will call Timothy P. Ryan as an expert witness at trial. Ryan is the Retired Director of the Miami Dade Corrections and Rehabilitation Department, January 2014. Ryan previously served as: Chief of the Orange County, Florida, Corrections Department; Chief of Santa Clara County, California, Department of Corrections and Commander of the Corrections Division of the Alameda County Sheriff's Office, Oakland, California. Ryan has more than 44

years of public service, serving the jails of America. Ryan's educational background includes a BS in Business for the California State University, Hayward, California, 1976; Graduation from the 175<sup>th</sup> FBI National Academy, 1993; and completion of 2001 Senior Executives in Local Government, Harvard University, JFK School of Government, Cambridge, Massachusetts. Mr. Ryan will testify consistent with the expert report/opinions he rendered in this case as well as his declaration and deposition testimony.

The plaintiffs will call Richard Lewan, M.D. as an expert witness at trial. Lewan is currently a hospitalist independent contractor as well as a licensed medical doctor with Poipu Mobile Urgent Care. Lewan was previously employed as a medical doctor at the Medical College of Wisconsin and ProHealth Care, Inc., Waukesha, and served as the Nursing Home Director of the Kauai Care Center, Waimea, HI. Lewan's education includes a Bachelor of Science from Loyola University of Chicago, 1975 and a Medical Degree from the University of Chicago – Pritzker School of Medicine, 1979. Lewan is Board Certified by the American Board of Family Medicine. Dr. Lewan will testify consistent with the expert report/opinions he rendered in this case, his declarations, and consistent with his deposition testimony in this case.

Defendants Armor Correctional Health Care and Brandon Decker will call Colleen Andreoni as an expert witness at trial. Ms. Andreoni is a licensed advanced practice nurse of fifteen years and a registered professional nurse for forty-two years. Ms. Andreoni has also taught students seeking credentials as registered nurses or advanced practicing nurses in undergraduate and graduate programs. As a board-certified family, adult, and emergency nurse practitioner, at a minimum, Ms. Andreoni is familiar with and understands nursing standards of care.

Defendants Armor Correctional Health Care and Brandon Decker will call Thomas Fowlkes MD as an expert witness at trial. At a minimum, Dr. Fowlkes is the Medical Director of the

Lafayette County Detention Center, medical consultant for the Third Circuit Judicial District Drug Court, and Deputy Medical Examiner Investigator for Lafayette County, Mississippi. Dr. Fowlkes is also a board-certified emergency physician, board certified in addition medicine, a certified correctional healthcare professional, a certified medical review officer for drug/alcohol testing and has held an unrestricted license to practice medicine in Mississippi since 1993.

Defendants Milwaukee County, Latisha Aikens, Latrail Cole, and Wisconsin County Mutual Corporation will call Jeffrey S. Carter as an expert witness at trial. Mr. Carter has been involved in corrections and jail practices since 1999. He holds a Bachelor of Science in Corrections and Juvenile Services, and has held positions including Correctional Officer, Academy Instructor, Director of Three Forks Regional Jail, and Captain at Fayette County Detention Center. Mr. Carter holds specialized training and certifications in a wide range of correctional areas, and his work experience led him to supervising approximately 377 sworn and non-sworn correctional staff in the daily operations of a correctional facility.

Defendants Milwaukee County, Latisha Aikens, Latrail Cole, and Wisconsin County Mutual Corporation will call Jacob Smith, M.D., as a non-retained expert witness at trial. Dr. Smith is an Assistant Medical Examiner in the Milwaukee County Medical Examiner's Office. He holds certifications from the American Board of Pathology in Forensic Pathology and Anatomic Pathology. He performed the autopsy of Kristina Fiebrink.

Defendants Armor Correctional Health Care, Brandon Decker, Britney Kirk, and Eva Cage may also call Jacob Smith MD as an expert witness.

Defendants Britney Kirk and Eva Cage will call William R. Gause, MSN, BSN, RN, ARNP, PHN, CCHP as an expert witness. Mr. Gause is currently employed at West Valley Detention Center, Central Detention Center, High Desert Detention Center, and Glen Helen



Rehabilitation Center, in San Bernardino County, California. Mr. Gause was previously employed as a nurse and supervisor with the San Bernardino Sheriff's Department. Mr. Gause's education includes a Bachelor of Science Degree in Nursing from California State University in 1988 and a Master of Nursing Science Degree from Loma Linda University School of Nursing in 2000. He is a Certified Correctional Health Professional. Mr. Gause will testify consistently with the opinions rendered in this case.

Defendants Britney Kirk and Eva Cage will call Michael W. Kaufman MD as an expert witness. Dr. Kaufman has been Board Certified in Anatomic Pathology since 1976. He is currently employed as a pathologist at West Suburban Medical Center and MacNeal Hospital and Health Network. His past positions include Director of Autopsy Services at Evanston, Glenbrook, Highland Park, and Skokie Hospitals, Medical Director of the Chicago Area Autopsy Services, and Medical Director of Northshore Laboratory Services. He has served as an Assistant Professor of Pathology at Northwestern School of Medicine and the University of Chicago Pritzker School of Medicine. Dr. Kaufman's educational background includes a Bachelor of Science from Wesleyan University in 1967 and Medical Degree from the University of Chicago – Pritzker School of Medicine in 1972.

Plaintiffs object to the testimony of any experts not previously disclosed.

**V. EXHIBITS.**

The Exhibit List (numbered according to Gen. L.R. 26.1) that Plaintiffs may offer at trial is attached hereto as Exh. A.

1. Medical Records
2. Policies & Procedures, Patient with Special Health Needs
3. CIWA/COWS Withdrawal Screening Flowsheet.

4. Policy & Procedures, Milwaukee County Jail, Receiving Screening
5. Policy & Procedures, Milwaukee County Jail, Initial Health Assessment
6. Pre-booking Screening
7. Policy & Procedures, Intoxication and Withdrawal
8. Investigation Materials
9. Policies & Procedures, Inmates with Alcohol or other Drug Problems
10. Nursing Special Needs Communication/Relocation
11. Management of Alcohol or Drug Withdrawal Risk
12. Hand Written Notes
13. Medical Records
14. Investigation Materials
15. Autopsy Protocol
16. Management of Alcohol or Drug Withdrawal Risk
17. Medical Records
18. Progress Note
19. Chart Notes
20. Unique Issues in Patient Care and Healthcare Liability
21. Special Needs and Services
22. Mental Health Intake Screening
23. Report on Settlement Agreement in the Christensen Case, 10/31-11/4/2016
24. Memorandum from Richard Schmidt
25. Report on Settlement Agreement in Christensen Case, 6/16-20/2016
26. Refusal of Treatment

27. Intoxication and Withdrawal (detox)
28. Search of Log Entries
29. Jail Records
30. Jail Logs
31. Log Activity System
32. Log Activity System
33. Log Activity System
34. Narrative Report – Renfro
35. Log Activity System
36. Memo Book – Renfro
37. Search of Log Entries by Inmate Name
38. Log Activity System
39. Medical Records – Tasks
40. Restraints
41. Supplementary Report
42. Jail Logs
43. Narrative Supplementary Report – Aikens
44. Treatment of Medical Conditions, Milwaukee County Jail
45. Training Materials
46. Health Care in the Jail Setting: Introduction/Legal Duty of Care
47. Responding to Inmate Needs/Requests for Medical of Health Care
48. Jail Log, Aikens Narrative
49. Cole Narrative Report

50. Jail Logs
51. Jail Logs
52. Intoxication and Withdrawal
53. Medical Records/Jail Logs
54. Debriefing
55. Medical Records/Jail Log
56. Policy & Procedures, Informed Consent Right to Refuse
57. Mental Health Intake Screening
58. Medication Non-Compliance Counseling
59. Email memo from Nancy Evans to Richard Schmidt August 28, 2016
60. Milwaukee County Jail Staff Meeting
61. Refusal of Treatment
62. National Commission on Correctional Health Care
63. Task List
64. Phone Orders
65. Evans Investigation Material
66. Email Correspondence 12/09/16
67. Email Correspondence 09/12/2016/ Memorandum from Nancy Evans to Richard Schmidt
68. Milwaukee County Jail Death Reviews – 2016(4) and 2017 (3)
69. Email Correspondence News Article
70. Email Correspondence Schmidt to Armor 10/31/16
71. Email Correspondence Armor to Schmidt, News Article, 11/01/2016

72. Email Correspondence News Article
73. Email Correspondence News Article 12/06/2016
74. Email Correspondence New Article 12/08/16
75. Email Correspondence News Article 12/09/16
76. News Article 4.25.18
77. News Article 8.9.18
78. Contract for Inmate Health Services for Milwaukee County
79. Wisconsin Statutes – Department of Corrections
80. Richard Schmidt Memorandum 8.1.18
81. Email Correspondence Armor December 2016
82. Journal Sentinel Article November 21, 2016
83. Medical Records
84. Medical Records Summary
85. Patient Inmate Health Assessment
86. Patient Medical History
87. Anagnostopoulos' Report
88. Nursing Timeline
89. Part of Medical Record
90. Documents Reviewed by K. McCullough in Preparation for 30(b)(6)
91. Letter from Shansky to Rusty Perry 10-4-14
92. Armor Intoxication and Withdrawl Policy and Procedures
93. Armor Corrective Action Plan PT: Kristina Fiebrink
94. Inmate Management Meeting Minutes, September 1<sup>st</sup>, 2016

95. Nursing Timeline
96. Armor Mortality and Morbidity Review, Typed
97. Armor Mortality and Morbidity Review, Hand written
98. Armor Death Summary Report
99. Contract between Armor and Milwaukee County
100. NCCHC Intoxication and Withdrawal Standard
101. Armor Mortality and Morbidity Review
102. Armor Death Summary Report 12.19.17
103. Armor Death Summary Report 10.27.18
104. Armor Death Summary Report 8.28.17
105. Lewan Curriculum Vitae
106. About Us, UpToDate
107. Opinion of Richard B. Lewan, M.D.
108. Declaration of Richard B. Lewan, M.D.
109. Demographic Report
110. Pre-booking Screening
111. Confidential Death Summary
112. Report of Timothy J. Ryan
113. Report of Timothy J. Ryan
114. Declaration of Timothy J. Ryan
115. Armor Correctional Health Services, Inc. Financials
116. Life Expectancy Chart.
117. Video of Cell Block.

118. Still frames of Video (a-k)

The Plaintiffs reserve the right to offer any of the exhibits listed by the Defendants and to amend this list based on evidence presented by the Defendants.

The Exhibit List (numbered according to Gen. L.R. 26.1) that Defendants may offer at trial is attached hereto as Ex. A.

1001. Documents Relating to Detention of Kristina Fiebrink - August 2016
  - Probable Cause Statement and Judicial Determination [MC KAF000254]
  - Judgment of Conviction - Milwaukee County Case No. 2015CF001217
  - Criminal Complaint - Milwaukee County DA Case No. 2016ML019750
  - Criminal Court Record - Milwaukee County Case No. 2016CM002786
  - Pretrial Release Conditions Order - Milwaukee County Case No. 2016CM002786
  - No Contact Order - Milwaukee County Case No. 2016CM002786
1002. Wheaton Franciscan Healthcare Medical Records - August 24, 2016 [SFH 1, 4-5, 7-8, 10, 12, 16, 31, 44, 47-48, 67, 134-135, 139-144, 176, 183-194, 211, 223, 247, 284-285, 321-352]
1003. Initial Medical Screening forms - August 2016
  - Patient - Intake Health Screening - August 24, 2016 [Armor 0075 - Armor 0080]
  - Medical Receiving Screening Form - August 24, 2016 [Armor 0365]
1004. Withdrawal Symptom Monitoring
  - Patient - CIWA/COWS Withdrawal [sic] Screening Flowsheet - August 24, 2016 [Armor 0135 - Armor 0137]
  - Patient - Drug and Alcohol Withdrawal Assessment Flowsheet - CIWA-Ar - March 22, 2015 at 2211 [Armor 0168 - Armor 0170]
  - Patient - Drug and Alcohol Withdrawal Assessment Flowsheet - CIWA-Ar - March 22, 2015 at 1530 [Armor 0171 - Armor 0173]
  - Patient - Drug and Alcohol Withdrawal Assessment Flowsheet - CIWA-Ar - March 21, 2015 at 2254 [Armor 0174 - Armor 0176]
  - Patient - Drug and Alcohol Withdrawal Assessment Flowsheet - CIWA-Ar - March 20, 2015 at 1113 [Armor 0181 - Armor 0183]
  - Patient - Drug and Alcohol Withdrawal Assessment Flowsheet - CIWA-Ar - March 18, 2015 at 0053 [Armor 0200 - Armor 0202]
  - Reports - Medication History by Month [Armor 0294 - 0303]
  - Patient Medical History [Armor 0022]
1005. Patient Medical History forms
  - Patient Medical History - August 2016 [Armor 0002]
  - Patient Medical History - February - August 2016 [Armor 0004]
  - Patient Medical History - 2015 [Armor 0008; Armor 0012; Armor 0014; Armor 0018; Armor 0020; Armor 0022; Armor 0024]
  - Patient Medical History - 2014 [Armor 0030; Armor 0032; Armor 0036; Armor 0038; Armor 0040]

1006. Problems [Armor 0041 - Armor 0046]
1007. Vital Signs [Armor 0056 - Armor 0057]
1008. Detox Flow Sheet - 2004-2015 [Armor 0059; Armor 0061]
1009. Mental Health Records
  - Mental Health - Outpatient Progress Note - April 2015 [Armor 0265 - Armor 0268]
  - Mental Health - Initial Evaluation - March 2015 [Armor 0275 - Armor 0279]
  - Mental Health - Outpatient Progress Note - December 2014 [Armor 0280 - Armor 0283]
  - Mental Health - Initial Evaluation [Armor 0287 - Armor 0291]
  - Mental Health - Initial Evaluation [Armor 1421-1424]
  - Nursing - Mental Health - Intake Screening - August 2016 [Armor 0072 - Armor 0074]
1010. Progress Note - August 2016 (case manager) [Armor 0131]
1011. Medical, Dental, and Mental Health Sick Calls forms [Armor 0048 - 0055]
1012. Phone Orders - August 25, 2016 [Armor 0132]
1013. Nursing - Special Needs Communication/Relocation - August 2016 [Armor 0134]
1014. Tasks - Refusal of Withdrawal Monitoring [Armor 0315 - Armor 0320; Armor 329 - Armor 332; Armor 0335 - Armor 0336; Armor 0343 - Armor 0344]
1015. Progress Note - Late Entry - August 2016 [Armor 0358]
1016. Chart Notes [Armor 0349 - Armor 0356]
1017. Flow Sheets [Armor 1391-1407]
1018. Refusal of Treatment
  - Refusal of Treatment - August 25, 2016 [Armor 0359]
  - Refusal of Treatment - April 14, 2015 [Armor 0373]
  - Refusal of Treatment - July 19, 2015 [Armor 0375]
  - Refusal of Treatment - March 31, 2015 [Armor 0393]
  - Refusal of Treatment - September 10, 2014 [Armor 0474]
  - Progress Note - August 28, 2016 [Armor 0358]
  - Medication Non-Compliance Counseling [Armor 0370 - Armor 0371]
  - Medication Records [Armor 0294 - Armor 0300]
  - Patient Medical History [Armor 0002, Armor 0004, Armor 0008, Armor 0012, Armor 0014, Armor 0018, Armor 0020, Armor 0022, Armor 0024, Armor 0030, Armor 0038, Armor 0040, Armor 0056 - Armor 0057, Armor 0059, Armor 0061, Armor 0349, Armor 0352, Armor 1391 - Armor 1393, Armor 1397 - Armor 1398, Armor 1403]
  - Tasks [Armor 0309-0311; Armor 0315-0316; Armor 0319-0320; Armor 0331-0332]
  - Medication Sheet [Armor 0435-0436]
  - Medications Administered/Not Administered [Armor 0438]
  - Electronic Medical Record Summary - Milwaukee County [Armor 0508 - Armor 0523]
  - Correctional Health Services Report - Milwaukee County [Armor 0533 - Armor 0535]
  - Correctional Health Services Report - Milwaukee County [Armor 0637]
  - Correctional Health Services Report - Milwaukee County [Armor 0708]



- Correctional Health Services Report - Milwaukee County [Armor 0712]
- Correctional Health Services Report - Milwaukee County [Armor 0757]
- Correctional Health Services Report - Milwaukee County [Armor 0931]
- 1019. Electronic Medical Record Summary - Milwaukee County [Armor 0508 - Armor 0523]
- 1020. Correctional Health Services Report - Milwaukee County [Armor 0577 - Armor 0614]
- 1021. Record of August 2016 Appointment Deletion [Armor 0334 - Armor 0335]
- 1022. Meeting Minutes
  - Inmate Management Meeting 2/11/15 Minutes [Armor 1101-1104]
  - Meeting Minutes 5/13/15 [Armor 1117 - 1118]
  - Psych Meeting Minutes 6/8/16 [Armor 1161 - Armor 1163]
- 1023. Armor Correctional Policies
  - Armor Correctional Policy No. J-A-10 [Armor 1454 - 1460]
  - Armor Correctional Policy No. J-A-10.1 [Armor 1461 - 1466]
  - Armor Correctional Policy No. J-E-02 - Receiving Screening [Armor 0956 - Armor 0961]
  - Armor Correctional Policy No. J-E-04 - Initial Health Assessment [Armor 0962 - Armor 965]
  - Armor Correctional Policy No. J-E-11 - Nursing Assessment Protocols [Armor 0966 - Armor 968]
  - Armor Correctional Policy No. J-E-12 - Continuity and Coordination of Care During Incarceration [Armor 0969 - Armor 0972]
  - Armor Correctional Policy No. J-G-02 - Patients with Special Health Needs [Armor 0973 - Armor 0975]
  - Armor Correctional Policy No. J-G-06 - Inmates with Alcohol or Other Drug Problems [Armor 0976 - Armor 0977]
  - Armor Correctional Policy No. J-G-07 - Intoxication and Withdrawal [Armor 0978 - Armor 0982]
  - Armor Correctional Drug and Alcohol Intoxication/Withdrawal policy and Management of Alcohol or Drug Withdrawal Risk flowchart [Armor 0983 - Armor 0992]
  - Armor Correctional Policy No. J-I-05 - Informed Consent and Right to Refuse [Armor 01830 - Armor 01832]
  - Armor Procedures for H.S.A. In the Event of Inmate Death [Armor 1460]
- 1024. Search of Log Entries by Inmate Name [MC KAF001052 - MC KAF001258] and Log Activity System - Milwaukee County [MC KAF000086 - MC KAF000093]
- 1025. Supplementary Report [MC KAF000255 - MC KAF000269], Incident Report [MC KAF000159 - MC KAF 000170], Inmate Death Timeline - Milwaukee County [MC KAF000246 - MC KAF000250]
- 1026. Armor Skills Passport 2016 [Armor 01663 - Armor 1737]
- 1027. Colleen Andreoni - Expert Report and Curriculum Vitae
- 1028. Thomas Fowlkes - Expert Report and Curriculum Vitae
- 1029. William Gause - Expert Report and Curriculum Vitae
- 1030. Michael Kaufman MD - Expert Report and Curriculum Vitae

1031. John May MD - Deposition Transcript - February 5, 2019
1032. Brooke Shaikh - Deposition Transcript - December 18, 2018
1033. Mai Bruno - Deposition Transcript - February 6, 2019
1034. Karen Ronquillo-Horton MD - Deposition Transcript - November 27, 2018
1035. Kayla McCullough - Deposition Transcript - February 13, 2019
1036. Side effects of clonidine, buprenorphine, gabapentin, zofran, and bentyl
1037. Autopsy Report and Toxicology - [Armor [Fiebrink] 02208 - 02224]
1038. Confidential Death Summary Report - Blank
1039. Inmate Visiting Log [MC KAF003930 - 003932]
  - August 27 - afternoon hours showing inmate activity in the day room
  - August 27 - approximately 1700 forward showing inmate activity during supper
1040. CV of Jacob B. Smith, M.D.
1041. Probable Cause Statement and Judicial Determination as to Phebe Williams - August 27, 2016
1042. Milwaukee County Sheriff's Office Criminal Justice Facility ADR Tracking Form for Phebe Williams
1043. Phebe Williams Deposition Exhibit No. 106 - March 15, 2019
1044. U.S. Department of Justice Civil Rights Division Investigation of the Miami-Dade County Jail - August 24, 2011
1045. Expert Report and CV of Jeffrey S. Carter - March 28, 2019
1046. Exhibit A to Declaration of Latisha Aikens - Jail Logs - March 8, 2019 (ECF No. 201-1)
1047. Jail Video - Excerpts including and without limitation (MC KAF003606)
1048. Tasks – August, 2016 (armor 0304-0305)
1049. Milwaukee jail logs (MC KAF 0081-0084)
1050. Milwaukee jail Logs (MC KAF 0086-0093)
1051. Any and all documents received from other parties after the filing of this Exhibit List.
1052. Any and all exhibits identified by other parties.
1053. Any and all exhibits necessary for rebuttal

The Defendants reserve the right to offer any of the exhibits listed by the Plaintiffs and to amend this list based on evidence presented by the Plaintiffs.

### **Depositions.**

The Parties reserve the right to revisit whether the reading in of portions of depositions due to the unavailability of witness is necessary after a trial date is set.

**VI. Length of Trial.**

The parties anticipate the trial will last 5-10 days.

**VII. Proposed Voir Dire Questions.**

Attached hereto as Ex. B are the parties' joint proposed *voir dire* questions.

**VIII. Brief Summary of Underlying Claims and Defenses.**

Pursuant to the Trial Scheduling Order, the following summarizes the elements of the parties' respective claims and defenses.

To succeed on their Fourteenth or Eighth Amendment failure to provide medical care claims against the Defendants, Plaintiffs must prove by the preponderance of the evidence that the actions of the Defendants violated Fiebrink's constitutional rights.

To succeed on their *Monell* claims against Milwaukee County and Armor Correctional Health Services, Inc. Plaintiffs must prove by a preponderance of the evidence that the Defendants maintained unconstitutional policies and procedures, including failing to appropriately train agents/employees which caused Fiebrink harm damages.

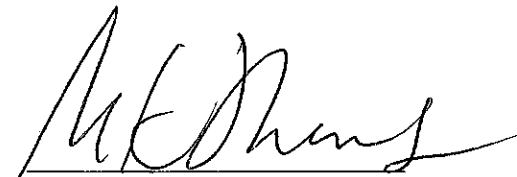
To succeed on their Negligence and Wrongful Death Claim against the Defendants, the Plaintiffs must prove by a preponderance of the evidence that the Defendants were negligent, and that negligence was a cause of Fiebrink's, Robert Martinez's, The Estate of Angelica Fiebrink's, and Jose Martinez's damages.

**IX. Joint Proposed Substantive Jury Instructions.**

Attached hereto as Ex. C are the parties' joint proposed substantive jury instructions with indication as to whether the parties agree or disagree as to a particular instruction. All parties reserve the right to revisit any issues associated with the jury instructions after this Court's decision on dispositive motions and at the close evidence.

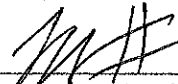
**X. Joint Proposed Verdict Form.**

Attached hereto as Ex. D is the Plaintiffs Proposed Verdict form. Attached hereto as Ex. E is the City Defendants Proposed Verdict Form. All parties reserve the right to revisit, object to and supplement any issues associated with the Verdict Form after this Court's decision on dispositive motions and at the close of evidence.



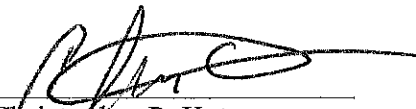
Mark L. Thomsen  
State Bar No. 1018839  
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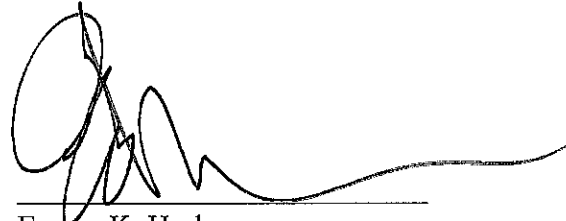
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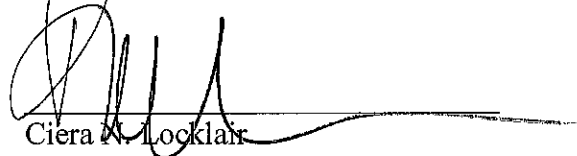
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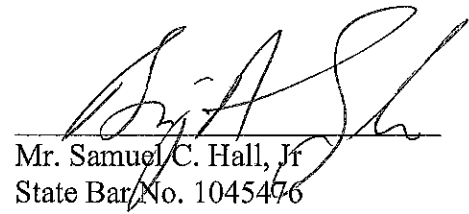
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